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EXAMINER

LE, LANA N

ART UNIT	PAPER NUMBER
2685	3

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,996

Applicant(s)

HIMMEL ET AL.

Examiner

Lana N Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 16-28 and 30-44 is/are rejected.
- 7) ☒ Claim(s) 4, 13-15 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 12 is objected to because of the following informalities: dependent claim 12 depends on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-5 recite the limitation "the one or more features" in the method of claim 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-9, 11-12, 17-20, 22-23, 25-28, 30-31, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,353,778) in view of Takatori et al (US 2004/0,014,464).

Regarding claim 1, Brown discloses a method for operating a mobile electronic device 12 within an automobile having an onboard computer (fig. 4), comprising:

communicating reconfiguration instructions from the on-board computer to the mobile electronic device; and reconfiguring the mobile electronic device as a slave device to the on-board computer in accordance with the reconfiguration instructions (col 4, lines 6-35; col 3, lines 42-54).

However, Brown didn't further disclose:

receiving, at the onboard computer, a wireless identification message from the mobile electronic device located within the automobile. Takatori et al discloses receiving, at the controlling device, a wireless identification message from the mobile electronic device (para. 67-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the identification message sent from the slave mobile device to Brown in order to allow the mobile to authenticate itself with the car's computer system so that data from the automobile controller will detect and communicate data related only to the particular apparatus that sent the ID message (para. 42).

Regarding claim 2, Brown and Takatori et al disclose the method of claim 1, wherein Brown further discloses the mobile electronic device is selected from a mobile telephone (cell phone 12), a handheld personal computer, a personal organizer, a palmtop computer, a computerized notepad, a global positioning system (GPS), an electronic video game, a video player, a personal digital assistant or combinations thereof (col 3, lines 42-43).

Regarding claim 3, Brown and Takatori et al disclose the method of claim 1, wherein Brown discloses the mobile electronic device 12 comprises a wireless

transceiver for transmitting and receiving wireless signals selected from radio frequency and infrared signals (col 3, lines 42-54).

Regarding claim 5, Brown and Takatori et al disclose the method of claim 1, wherein Takatori et al disclose the method comprising:
storing, within the on-board computer, an address for the mobile electronic device, and an address for each of the one or more features within the mobile electronic device, monitoring by the mobile electronic device for messages to the address for the mobile electronic device, monitoring by the on-board computer for messages from the address for the mobile electronic device (paras. 42, 75 & 80).

Regarding claim 6, Brown and Takatori et al disclose the method of claim 1, wherein Brown further discloses the one or more features within the mobile electronic device are selected from transceiver, speaker, microphone, keypad, video display, joystick, memory, transmitter, receiver, antenna or combinations thereof (transceiver, speaker, microphone, antenna, keypad are inherent within cell phone 12; fig. 1).

Regarding claim 7, Brown and Takatori et al disclose the method of claim 6, Brown discloses the method further comprising utilizing one or more features within the onboard computer instead of the one or more disabled features within the mobile electronic device (col 4, lines 26-35).

Regarding claim 8, Brown and Takatori et al disclose the method of claim 7, where Brown discloses the method further comprising: obtaining data, using the on-board computer, about the status of conditions affecting the automobile (col 4, lines 30-32); and

determining, using the on-board computer, which of the one or more features within the on-board computer to make available to a motorist (col 4, lines 59-64).

Regarding claim 9, Brown and Takatori et al disclose the method of claim 8, wherein Brown further discloses the conditions are measured conditions selected from weather outside the automobile, speed of the automobile (vehicle velocity), braking frequency, distance to other vehicles, engine RPM, engine coolant level and temperature, steering wheel movement, automobile's acceleration and braking, frequency of automobile's acceleration and braking, time of day, time period of driving without a rest stop or combinations thereof (col 4, lines 30-32).

Regarding claim 11, Brown and Takatori et al disclose the method of claim 9, wherein Brown further discloses the step of determining the features to make available to the motorist further comprises:

defining a normal value (maximum velocity which the use of phone is still possible) for each of the conditions and combinations of the conditions (col 4, lines 38-44); storing the normal value in a database of the on-board computer (col 4, lines 17-19);

storing instructions in the database of the on-board computer for removing availability of the features (to terminate the transmitting/receiving of phone call) based upon a variance between the normal condition and an actual condition and combinations of actual conditions (when actual velocity of car exceeds the maximum velocity set; col 4, lines 30-35; col 3, lines 48-51);

determining a variance between the normal conditions and the actual conditions (col 4, lines 44-64); and removing availability of the features (transmitter and receiver is cut off by verbal warning or stop phone IR signal; col 4, lines 30-35).

Regarding claim 12, Brown and Takatori et al disclose the method of claim 1, wherein the mobile electronic device is a mobile telephone and wherein the instructions are selected from refusal to accept a mobile telephone call, refusal to place a mobile telephone call, placing only emergency mobile telephone calls, limiting the duration of a mobile telephone call (call duration is cut off abruptly), limiting the frequency of mobile telephone calls, limiting motorist input only to voice commands, blocking output to the automobile's visual display device or combinations thereof (col 4, lines 51-64).

Regarding claim 17, Brown discloses a system for operating a mobile electronic device within an automobile having an onboard computer (fig. 1), comprising:

a mobile electronic device 12, an on-board computer (fig. 4) mounted in an automobile, wherein the mobile electronic device communicates wirelessly with the on-board computer, and wherein the mobile electronic device reconfigures itself as a slave device to the on-board computer (col 4, lines 6-35; col 3, lines 42-54).

However, Brown didn't further disclose:

an address for the mobile electronic device, an address for one or more features within the mobile electronic device. Takatori et al discloses an address for the mobile electronic device, an address for one or more features within the mobile electronic device (para. 42 & 80). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the address information in order to allow the

mobile to identify itself with the car's computer system so that data from the automobile controller will detect and communicate data related only to the particular apparatus that sent the ID message as suggested by Takatori et al (para. 42).

Regarding claim 18, Brown and Takatori et al disclose the system of claim 17, wherein Brown further discloses the mobile electronic device is selected from a mobile telephone, a handheld personal computer, a personal organizer, a palmtop computer, a computerized notepad, a global positioning system (GPS), an electronic video game, a video player, a personal digital assistant or combinations thereof (col 3, lines 42-43).

Regarding claim 19, Brown and Takatori et al further disclose the system of claim 17, wherein Brown further discloses the mobile electronic device comprises a wireless transceiver for transmitting and receiving wireless signals selected from radio frequency and infrared signals (col 3, lines 42-54).

Regarding claim 20, Brown and Takatori et al disclose of claim 17, wherein Brown further discloses the one or more features within the mobile electronic device are selected from transceiver, speaker, microphone, keypad, video display, joystick, memory, transmitter, receiver or combinations thereof (transceiver, speaker, microphone, antenna, keypad are inherent within cell phone 12; fig. 1).

Regarding claim 22, Brown and Takatori et al disclose the system of claim 17, Brown discloses the system further comprising:

a database in a memory of the on-board computer containing normal values for conditions and combinations of conditions affecting the automobile (col 4, lines 38-44) and a database of instructions for removing the availability of the features based upon a

variance between the normal values and an actual condition and combinations of actual conditions (col 4, lines 30-35; col 3, lines 48-51), wherein the variance is determined and wherein a motorist is denied access to the one or more features based upon the instructions (col 4, lines 44-64; col 4, lines 30-35).

Regarding claim 23, Brown and Takatori et al disclose the system of claim 22, wherein Brown discloses the system further comprising the conditions are measured conditions selected from weather outside the automobile, speed of the automobile, braking frequency, distance to other vehicles, engine RPM, engine coolant level and temperature, steering wheel movement, automobile's acceleration, frequency of automobile's acceleration, time of day, time period of driving without a rest stop or combinations thereof (col 4, lines 30-32).

Regarding claim 25, Brown and Takatori et al disclose the system of claim 22, wherein Brown discloses the system further comprising the mobile electronic device is a mobile telephone and wherein the instructions are selected from refusal to accept a mobile telephone call, refusal to place a mobile telephone call, placing only emergency mobile telephone calls, limiting the duration of a mobile telephone call, limiting the frequency of mobile telephone calls, limiting motorist input only to voice commands, blocking output to the automobile's visual display device or combinations thereof (col 4, lines 51-64).

Regarding claim 26, Brown discloses a computer program product including instructions embodied on a computer readable medium (cell phone use control

programs stored within ROM 30 or RAM 31; col 4, lines 17-22) of onboard computer (automobile onboard controller; fig. 4), the instructions comprising:

communicating reconfiguration instructions (instructions that call will terminate within a certain amount of time) from the onboard computer to the mobile electronic device (col 4, lines 6-35; col 3, lines 42-54); and

reconfiguring instructions for reconfiguring the mobile electronic device as a slave device to the on-board computer (the mobile device is controlled to be turned off by the onboard computer; col 4, lines 6-35; col 3, lines 42-54).

However, Brown didn't further disclose:

communicating instructions for communicating reconfiguration instructions and receiving instructions for receiving, at the on-board computer, a wireless identification message from the mobile electronic device located within the automobile

Takatori et al disclose communicating instructions (instruction for permitting the transmission/reception to be turned on/off by the control delegation signal from the control master device; paras. 67-69) for communicating reconfiguration instructions (para. 68-69); and receiving instructions for receiving, at the on-board computer, a wireless identification message from the mobile electronic device located within the automobile (para. 42; 67-68). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the instructions and data on identification sent from the slave device to Brown in order to allow the mobile to authenticate itself with the car's computer system so that data from the automobile

controller will detect and communicate data related only to the particular apparatus that sent the ID message (para. 42).

Regarding claim 27, Brown and Takatori et al disclose the computer program product of claim 26, wherein Brown discloses the program further comprising the mobile electronic device is selected from a mobile telephone, a handheld personal computer, a personal organizer, a palmtop computer, a computerized notepad, a global positioning system (GPS), an electronic video game, a video player, a personal digital assistant or combinations thereof (col 3, lines 42-43).

Regarding claim 28, Brown and Takatori et al disclose the computer program product of claim 26, wherein Brown discloses the program further comprising the mobile electronic device system comprises a wireless transceiver and for transmitting and receiving wireless signals selected from radio frequency and infrared (col 3, lines 42-54).

Regarding claim 30, Brown and Takatori et al disclose the computer program product of claim 26, further comprising:

wherein Takatori et al disclose the method comprising:

storing instructions for storing, within the on-board computer, (instructions or data communicated between slave and master device) an address for the mobile electronic device, and an address for each of the one or more features within the mobile electronic device (paras. 42, 75, & 80);

monitoring instructions for monitoring at the mobile electronic device for messages to the address for the mobile electronic device (paras. 42 & 80); and

monitoring instructions for monitoring at the on-board computer for messages from the assigned address (MAC address) for the mobile electronic device (paras. 42 & 80).

Regarding claim 31, Brown and Takatori et al disclose the computer program product of claim 26, wherein the one or more features within the mobile electronic device are selected from transceiver, speaker, microphone, keypad, video display, joystick, memory, transmitter, receiver or combinations thereof (transceiver, speaker, microphone, antenna, keypad are inherent within cell phone 12; fig. 1).

Regarding claim 33, Brown and Takatori et al disclose the computer program product of claim 32, Brown disclose the computer product further comprising:

obtaining instructions for obtaining data, using the on-board computer, about the status of conditions affecting the automobile (col 4, lines 30-32); and

determining instructions for determining, using the on-board computer, which of the one or more features (call transmission/reception via transceiver) within the on-board computer to make available to a motorist (col 4, lines 59-64).

Regarding claim 34, Brown and Takatori et al disclose the computer program product of claim 33, wherein Brown further discloses the conditions are measured conditions selected from weather outside the automobile, speed of the automobile (measure of automobile's velocity), braking frequency, distance to other vehicles, engine RPM, engine coolant level and temperature, steering wheel movement, automobile's acceleration, frequency of automobile's acceleration, time of day, time period of driving without a rest stop and combinations thereof (col 4, lines 30-32).

Regarding claim 35, Brown and Takatori et al disclose the computer program product of claim 34, wherein Brown and Takatori et al don't disclose the conditions are deduced conditions selected from traffic density, presence of a passenger, motorist fatigue and combinations thereof. However, it is well known in the art that conditions which determine when a phone call should continue can be alternatively any other condition than just measuring the velocity of a car. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the brake instead of the gas pedal of the car to determine the traffic density to cut off the phone call transmission/reception.

Regarding claim 36, Brown and Takatori et al disclose the computer program product of claim 33, wherein the determining instructions for determining of the features to make available to the motorist further comprises:

defining instructions for defining a normal value (program to set the maximum speed limit for cell phone use) for each of the conditions and combinations of the conditions (col 4, lines 17-44);

storing instructions for storing the normal value in a database of the on-board computer (storing in ROM 33 or RAM 31);

storing instructions (user programmed instructions to set the speed threshold) for storing application instructions in a database of the on-board computer for removing the availability of the features (to cut off transmission/reception of phone call) based upon a variance between the normal conditions and an actual condition and combinations of

actual conditions (when actual velocity of car exceeds the maximum velocity threshold set; col 4, lines 17-44; col 3, lines 48-51);

determining instructions for determining the variance between the normal conditions and the actual conditions (col 4, lines 44-64); and removing instructions for removing the availability of the features based upon the application instructions (program is run when the set value to execute the program to cut off the phone transmission/reception is met; col 4, lines 30-35).

Regarding claim 37, Brown and Takatori et al disclose the computer program product of claim 36, wherein Brown discloses the mobile electronic device is a mobile telephone and wherein the application instructions are selected from refusal to accept a mobile telephone call, refusal to place a mobile telephone call, placing only emergency mobile telephone calls, limiting the duration of a mobile telephone call (call is abruptly cut off and call duration is therefore limited), limiting the frequency of mobile telephone calls, limiting motorist input only to voice commands, blocking output to the visual display device or combinations thereof (col 4, lines 51-64).

4. Claims 38-39, and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,353,778) in view of Takatori et al (US 2004/0,014,464) and further in view of Mahany et al (US 5,657,317).

Regarding claim 38, Brown discloses a method for controlling operation of a mobile telephone within an automobile having an on-board computer,

establishing a wireless communication link between the on-board computer and the mobile telephone (col 4, lines 6-35; col 3, lines 42-54);

communicating instructions from the on-board computer to the mobile telephone to disable one or more features within the mobile telephone (sending IR signals to stop the cellular phone transmission/reception); and

communicating reconfiguration instructions from the on-board computer to the mobile telephone, whereby the mobile telephone reconfigures itself to become a slave device to the onboard computer (col 4, lines 6-35; col 3, lines 42-54);

Brown does not disclose the method comprises: transmitting a wireless discovery signal from a transmitter controlled by the on-board computer; and receiving a wireless identification message from the mobile telephone.

Takatori et al disclose the method comprising:

receiving a wireless identification message from the mobile telephone (master device receives slave ID transmitted from slave device; para. 79).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate identification messages between the on board computer and the mobile device of Brown in order for the computer to transmit the instructions to the right id address of a particular phone to inform it to stop its transmission/reception.

Brown and Takatori et al do not disclose:

transmitting a wireless discovery signal from a transmitter controlled by the onboard computer. Mahany et al disclose transmitting a wireless discovery signal (request to send message from master device) from a transmitter that send the request

to send message controlled by a master device (col 51, lines 41-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the transmitting of a wireless discovery signal from a transmitter controlled by the on-board computer of Brown in order to allow the slave mobile device to acknowledge that the control device is ready to receive the identification message so that it can monitor the mobile device for safety purposes.

Regarding claim 39, Brown, Takatori et al, and Mahany et al disclose the method of claim 38, wherein Brown further discloses the one or more features disabled within the mobile telephone are selected from a speaker, a microphone, a display, a keypad, antenna or combinations thereof (speaker, microphone, a display, a keypad, antenna inherent in mobile device 12; fig. 1).

Regarding claim 41, Brown, Takatori et al, and Mahany et al disclose the method of claim 40, further comprising:

obtaining data, using the on-board computer, about the status of conditions affecting the automobile; and

determining, using the on-board computer, which of the one or more features within the on-board computer to make available to a driver of the automobile (col .

Regarding claim 42, Brown, Takatori et al, and Mahany et al disclose the method of claim 38, wherein the wireless identification message contains information describing the mobile telephone (MAC address), and address for the mobile telephone (slave ID), and an address for each of the one or more features within the mobile telephone (signal indicating a control delegation is required) (paras. 42, 80).

Regarding claim 43, Brown, Takatori et al, and Mahany et al disclose the method of claim 1, further comprising:

communicating instructions from the on-board computer to the mobile electronic device to disable one or more features within the mobile electronic device (verbal warning is sent to phone that transmission/reception will be cut off; col 4, lines 60-64).

Regarding claim 44, Brown, Takatori et al, and Mahany et al disclose the computer program product of claim 26, further comprising:

communicating instructions for communicating instructions from the on-board computer to the mobile electronic device to disable one or more features within the mobile electronic device (verbal warning is sent to phone that transmission/reception will be cut off; col 4, lines 60-64).

5. Claims 10, 16, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,353,778) in view of Takatori et al (US 2004/0,014,464) and further in view of Herbert et al (US 6,188,315).

Regarding claim 10, Brown and Takatori et al disclose the method of claim 9, wherein they didn't specifically disclose:

the conditions are deduced conditions selected from traffic density, presence of a passenger, motorist fatigue or combinations thereof.

Herbert et al discloses the conditions are deduced conditions selected from traffic density, presence of a passenger, motorist fatigue or combinations thereof (col 2, lines 25-42). It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to deduce conditions from traffic in order to detect whether car phone use in such conditions is safe or not.

Regarding claim 16, Brown and Takatori et al disclose the method of claim 1, wherein they didn't further disclose the method comprising:

allowing the mobile telephone to simultaneously use features of the mobile telephone and features of the automobile. Herbert et al disclose allowing the mobile telephone to simultaneously use features of the mobile telephone and features of the automobile (col 2, lines 3-14). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to be able to use the handsfree equipment within the car to be able to communicate.

Regarding claim 24, Brown and Takatori et al disclose the system of claim 22, wherein they didn't specifically disclose: the conditions are deduced conditions selected from traffic density, presence of a passenger, motorist fatigue or combinations thereof. Herbert et al discloses the conditions are deduced conditions selected from traffic density, presence of a passenger, motorist fatigue or combinations thereof (col 2, lines 25-42). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to deduce conditions from traffic in order to detect whether car phone use in such conditions is safe or not.

5. Claims 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,353,778) in view of Takatori et al (US 2004/0,014,464) and further in view of Kinzalow et al (US 6,052,603).

Regarding claim 21, Brown and Takatori et al disclose the system of claim 20, wherein wherein Brown and Takatori et al fail to further disclose the system further comprising utilizing one or more features within the onboard computer instead of the one or more disabled features within the mobile electronic device. Kinzalow et al disclose the method further comprising utilizing one or more features within the onboard computer to provide substitute functions for the one or more disabled features of the mobile telephone (col 12, line 39 – col 13, line 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the one or more disabled features of the mobile telephone with one or more features of the onboard computer in order to reproduce the signals over the radio speakers so allow the driver to continue with the call via hands free operation of the mobile phone when he/she is driving above a certain threshold which would disable the phone's features of Brown and Takatori et al.

Regarding claim 32, Brown and Takatori et al disclose the computer program product of claim 31, wherein Brown and Takatori et al fail to disclose the one or more features within the onboard computer provide substitute functions of the one or more disabled features within the mobile electronic device. Kinzalow et al disclose the method further comprising utilizing one or more features within the onboard computer to provide substitute functions for the one or more disabled features of the mobile telephone (col 12, line 39 – col 13, line 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute functions for the one or more disabled features of the mobile telephone with functions for one or more

features of the onboard computer in order to reproduce the signals over the radio speakers so allow the driver to continue with the call via hands free operation of the mobile phone when he/she is driving above a certain threshold which would disable the phone's features of Brown and Takatori et al.

6. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,353,778) in view of Takatori et al (US 2004/0,014,464), Mahany et al (US 5,657,317) and further in view of Kinzalow et al (US 6,052,603).

Regarding claim 40, Brown, Takatori et al, Mahany et al disclose the method of claim 39, wherein Brown, Takatori et al, and Mahany et al fail to further disclose the method comprises utilizing one or more features within the onboard computer to provide substitute functions for the one or more disabled features of the mobile telephone. Kinzalow et al disclose the method further comprising utilizing one or more features within the onboard computer to provide substitute functions for the one or more disabled features of the mobile telephone (col 12, line 39 – col 13, line 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute functions for the one or more disabled features of the mobile telephone with functions for one or more features of the onboard computer in order to reproduce the signals over the radio speakers so allow the driver to continue with the call via hands free operation of the mobile phone when he/she is driving above a certain threshold which would disable the phone's features of Brown, Takatori et al, and Mahany et al.

Claim Objections

6. Claims 13-15, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 13, Brown and Takatori et al disclose the method of claim 8, wherein the cited prior art fails to further disclose the step of obtaining data, using the on-board computer, about the status of conditions affecting the automobile, further comprises: accessing a driving history database to obtain data about driving conditions.

Regarding claim 14, Brown and Takatori et al disclose the method of claim 13, the cited prior art fails to further disclose the method further comprising: determining the vehicle location using a global positioning system; and obtaining driving conditions from the driving history database associated with the vehicle location.

Regarding claim 15, Brown and Takatori et al disclose the method of claim 14, wherein the cited prior art fails to further disclose the method comprising the driving conditions are selected from road hazards, accident frequency, propensity for accidents, visibility, curves, and combinations thereof.

Regarding claim 29, Brown and Takatori et al disclose the computer program product of claim 26, wherein they fails to further disclose the receiving instructions for the step of receiving the wireless identification message comprises:

transmitting instructions for transmitting a discovery signal on a discovery frequency by the on-board computer;

receiving instructions for receiving the discovery signal by the mobile electronic device;

interpreting instructions for interpreting the discovery signal to be an identification request by the on-board computer; and

transmitting instructions for transmitting the wireless identification message to the on-board computer, wherein the message contains information describing the mobile electronic device, an address for the mobile electronic device, and an address for each of the one or more features within the mobile electronic device.

5. Claims 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 4, Brown and Takatori et al further discloses the method of claim 1, wherein the cited prior art fails to further disclose the step of receiving the wireless identification message further comprises:

transmitting a discovery signal on a discovery frequency from the controlling device;

receiving the discovery signal at the mobile electronic device; and
interpreting the discovery signal to be an identification request from the on-board computer, wherein the message contains information describing the mobile electronic device, an address for the mobile electronic device, and an address for each of the one or more features within the mobile electronic device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lana Le

November 17, 2004